

Application No. 09/864,197
Amendment dated: March 30, 2004
Reply to Office Action dated October 1, 2003

Page 5 of 11

Remarks/Arguments

A petition for a three-month extension of time is attached separately.

Claims 1 - 4, 6 - 9, 11 and 13 - 16 currently stand in the application. Claims 5, 8, 10 and 12 have been cancelled; claims 1 - 4, 6 - 9, 11 and 13 have been amended; and new claims 14 - 16 have been added.

The Examiner rejected claims 5 and 6 under 35 U.S.C. 112 as being indefinite for lack of a proper antecedent basis for the term "augmenting member". Claim 5 has been cancelled, and the rejection thereof is now moot. The impugned term is now properly introduced in claim 1. Claim 6 has amended to depend from claim 2, which depends from claim 1. Withdrawal of the rejection under 35 U.S.C. 112 is respectfully requested.

The Examiner rejected claims 1 - 5, 8, 9 and 11 - 13 under U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,560,456 to Wolpert. The Examiner further rejected claims 6, 7 and 10 under 35 U.S.C. 103(a) as being obvious in view of Wolpert. Claims 5, 8, 10 and 12 have been cancelled, and the rejections thereof are now moot.

As noted throughout Applicant's disclosure, the present invention is intended to provide a cue tip section that permits a cue stick to be customized by a retailer or a customer to provide a properly balanced, weighted and stiffened cue stick. The object of the invention is achieved by providing a selection of augmenting members, which include weights and stiffening members, for insertion into the tip section at desired locations within the tip section. Once the desired weight, balance and stiffness has been achieved, these augmenting members are fixed in place, and the customized cue stick is ready for use. Applicant has substantially amended the claims to clarify the invention.

As recited in amended claim 1, Applicant claims a tip section for customizing a cue stick, the tip section comprising: (a) a single-piece tapered metallic tube having a hollow body terminating in a first end and a second end, said hollow body being defined by a wall capable of self-support and of carrying required physical loads arising during use, said wall having an exterior providing a substantially smooth surface, said second end permitting connection to a butt section of the

Application No. 09/864,197
Amendment dated: March 30, 2004
Reply to Office Action dated October 1, 2003

Page 6 of 11

cue stick; (b) a cue tip, having a threaded body, for attachment at said first end; and (c) a plurality of insertable augmenting elements for interacting with locating means within said hollow body to permit selective placement and fixation of said plurality of augmenting elements within said hollow body to selectively adjust at least two of weight, balance, flex and tactile feedback of the cue stick to customize the cue stick in accordance with a user's preference. Claims 2- 4, 6 - 9 and 16 depend directly or indirectly from claim 1.

Claim 11 has been similarly amended to recite a kit for customizing a tip section of a cue stick, the kit comprising: (a) a single-piece tapered hollow metallic tube having a first end and a second end, said first end having a first attachment site for attaching a cue tip having a threaded body, said second end having an attachment site for connection to a butt section of the cue stick, the hollow tube having an exterior providing a substantially smooth surface, the hollow tube having a wall capable of self-support and of carrying required physical loads arising during use; and (b) a plurality of augmenting elements, including weights and stiffening members, contoured for insertion and fixation within the hollow tube at selectable positions determined by cooperation with locating means within the hollow tube to selectively adjust at least two of weight, balance, flex and tactile feedback of the cue stick for customization of the cue stick in accordance with a user's preference. Claims 13 - 15 depend from claim 11.

By contrast, Wolpert discloses a metal billiard cue having a hollow tip section. A cue tip having a threaded shank is screwed into one end of the tip section, while the opposite end is threaded for attachment to a coupling. A soft rubber bar or plug can be forced into the tube under compression to reduce vibration and noise produced in striking a billiard ball. Nothing in Wolpert suggests or teaches a plurality of augmenting members that interact with locating means within the hollow tip section to permit selective placement of the augmenting members, nor is there any suggestion or teaching in Wolpert that any member can be inserted at selectable positions within the tip section. The Examiner has stated that threaded shank 15 of the cue tip can be considered a locator within the meaning of previously presented claims 3 and 13. However, it is clear from the description at p.1, lines 94 - 98, that the rubber plug is first inserted into the tube 3, after which shank 15 is screwed onto the tube until the trunnion presses against the rubber plug. Thus, the shank 15 does not locate the plug, as the plug is already fixed in position prior to attachment of the cue tip. Applicant further submits that there is no selective location or placement of any member in Wolpert. Only one position is suggested or taught for the

Application No. 09/864,197
Amendment dated: March 30, 2004
Reply to Office Action dated October 1, 2003

Page 7 of 11

placement of the plug within the tube. This is necessarily so, since the function of the plug is to dampen noise and vibration in the tip. Therefore, Wolpert's plug must be snugly pressed against the shank of the cue tip to absorb such vibration.

The Examiner further states, in regard to previously presented claims 5, 6, 7 and 10, that the threaded shank 15 of the cue tip can be considered the stiffening member. Applicant respectfully disagrees. Nothing in Wolpert suggests or teaches that the threaded shank can, or should, be considered a stiffening member, or any form of augmenting member as recited in the claims of the present application. The threaded shank 15 performs the function for which it was intended – attaching the cue tip to the tube. The threaded shank of Wolpert is identical in form and function to the threaded body of the cue tip recited in amended claims 1 and 11, and as described at p. 6, lines 7 - 17 of the present application.

While the Examiner has stated that Wolpert discloses a tapered tip section, Applicant submits, in relation to amended claims 3 and 13, that there is no description or suggestion in Wolpert that the tube has a tapered interior and that a plurality of augmenting members are correspondingly tapered and sized to permit their selective placement within the tube.

With respect to amended claims 11 and 13, Applicant respectfully submits that Wolpert neither suggests nor discloses any kit, having a tapered metallic tube and a plurality of augmenting members, for customizing a cue stick.

Therefore, in view of the amendments to the claims, and the remarks above, Applicant submits that amended claims 1 - 4, 6 - 9, 11 and 13 are neither anticipated nor obvious in view of Wolpert. Applicant requests withdrawal of the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a). Applicant further submits that new dependent claims 14 - 16 are also patentable.

It is submitted that this application is now in condition for allowance, and action to that end is respectfully requested.

No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593. The Commissioner is further authorized to debit an additional amount required, and to credit any overpayment to the above

Application No. 09/864,197
Amendment dated: March 30, 2004
Reply to Office Action dated October 1, 2003

Page 8 of 11

noted deposit account.

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Application No. 09/864,197
Amendment dated: March 30, 2004
Reply to Office Action dated October 1, 2003

Page 9 of 11

Appendix:**Listing of Claims without Markup:**

Claim 1 (currently amended) A tip section for customizing a cue stick, the tip section comprising:

(a) a single-piece tapered metallic tube having a hollow body terminating in a first end and a second end, said hollow body being defined by a wall capable of self-support and of carrying required physical loads arising during use, said wall having an exterior providing a substantially smooth surface, said second end permitting connection to a butt section of the cue stick;

(b) a cue tip, having a threaded body, for attachment at said first end and

(c) a plurality of insertable augmenting elements for interacting with locating means within said hollow body to permit selective placement and fixation of said plurality of augmenting elements within said hollow body to selectively adjust at least two of weight, balance, flex and tactile feedback of the cue stick to customize the cue stick in accordance with a user's preference.

Claim 2 (currently amended) The tip section of claim 1, wherein said plurality of insertable augmenting elements include a selection of weights and stiffening members.

Claim 3 (currently amended) The tip section of claim 1, wherein said locating means include an interior taper in said hollow body for interaction with correspondingly tapered insertable augmenting elements sized for their selective placement at desired locations along the interior taper of said hollow body.

Claim 4 (currently amended) The tip section of claim 1, wherein the tube is composed of a metal selected from the group consisting of: lightweight steel, polished aluminum, magnesium alloy and stainless steel.

Claim 5 (cancelled)

Claim 6 (currently amended) The tip section of claim 2, wherein said stiffening members are between 1 and 10 inches in length.

Application No. 09/864,197
Amendment dated: March 30, 2004
Reply to Office Action dated October 1, 2003

Page 10 of 11

Claim 7 (currently amended) The tip section of claim 2, wherein said stiffening members are composed of materials selected from the groups consisting of wood, plastic, high-tensile metal, lightweight steel, aluminum, magnesium alloy and stainless steel.

Claim 8 (cancelled)

Claim 9 (currently amended) The tip section of claim 1 wherein said exterior of the tube is provided by one of: chrome-plating, polished aluminum, titanium, high-gloss finishing, and polishing.

Claim 10 (cancelled)

Claim 11 (currently amended) A kit for customizing a tip section of a cue stick, the kit comprising:

(a) a single-piece tapered hollow metallic tube having a first end and a second end, said first end having a first attachment site for attaching a cue tip having a threaded body, said second end having an attachment site for connection to a butt section of the cue stick, the hollow tube having an exterior providing a substantially smooth surface, the hollow tube having a wall capable of self-support and of carrying required physical loads arising during use; and

(b) a plurality of augmenting elements, including weights and stiffening members, contoured for insertion and fixation within the hollow tube at selectable positions determined by cooperation with locating means within the hollow tube to selectively adjust at least two of weight, balance, flex and tactile feedback of the cue stick for customization of the cue stick in accordance with a user's preference.

Claim 12 (cancelled)

Claim 13 (currently amended) The kit of claim 11 wherein said augmenting elements are selectively sized to correspond to desired locations along an interior taper of the hollow tube.

Claim 14 (new) The kit of claim 11, wherein said locating means include a selection of insertable locators for selectively positioning and spacing said augmenting members within the hollow tube.

Claim 15 (new) The kit of claim 11, further comprising a selection of cue tips.

Application No. 09/864,197
Amendment dated: March 30, 2004
Reply to Office Action dated October 1, 2003

Page 11 of 11

Claim 16 (new) The tip section of claim 1, wherein said locating means include insertable locators for selectively positioning and spacing said augmenting members within the hollow body.